IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1635 OF 2004

Krishnarao R. Mugali ... Petitioner

versus

State of Maharashtra ... Respondent

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Mr. A.P. Mundargi, with Mr. Indrajeet Joshi, for the Petitioner.

Mr. D.R. More, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

28th October 2004

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. More, A.P.P., waives notice for the Respondent. As short question is involved, petition taken up for final disposal forthwith by consent.

. The limited grievance made before this Court is that the Applicant, accused No. 2 in offence registered as Crime No. 62/1994 at

Sawantwadi Police Station, prayed for discharge on grounds available to him. However, the Courts below have not addressed themselves to the case of Applicant, Accused No. 2, but have analysed the materials on record only with reference to the case of the other accused, who are the suppliers of G.I. sheets. Upon examining the orders passed by the Courts below, I find that there is substance in this grievance. Even the learned A.P.P. accepts this position. In other words, the Court below has not analysed the materials on record in the context of Applicant, Accused No. 2. In the circumstances, the order, which is impugned in this petition, is set aside only to this limited extent and the revision application preferred by the Applicant herein, accused No. 2 (Applicant No. 4 in Criminal Revision Application No. 60/2003 before the Sessions Court) will have to be reconsidered on its own merits in accordance with law insofar as the Applicant before this Court, original Accused No. 2, is concerned. The said revision application be decided as expeditiously as possible, preferably within three months from the date of receipt of writ of this Court. Petition succeeds on the above terms.